

PROPOSES THE TORRENS SYSTEM.

Representative James Norton Discusses Measure for the Relief of Land Owners.

To the Editor of the News and Courier:

I have read with interest what your correspondent, B. B. Sellers, and others, and the editor of The News and Courier have said pro and con as to the repeal of the law creating agricultural liens.

I have a method for the consideration of the next session of the general assembly for the registration of land, which, if adopted, will put all land owners in such a position in the use of their lands as a collateral for credit that all liens for agricultural necessities will have passed. Only the landless will not be directly benefited.

No man has a title to any land in this State. We have evidences only of titles. Land is the best and the safest property we can own—better than bank, cotton mill, railroad or other corporate stock companies. It is better than State or United States bonds, only that we have no titles for our lands, while we own absolutely stocks and bonds. The ownership for land can and should be as full, free and absolute and easily transferred as the stock in any bank in the State, and at but little more cost and inconvenience and delay. If the terrible incubus-burden of examination and transfer of title to lands could be gotten rid of, lands would appreciate in value; besides it would make lands as valuable for commercial use to the same extent locally as bonds and stocks are now.

It cost to land owners in South Carolina for transfers, mortgages, etc., will reach anywhere from an estimated cost of \$100,000 to \$300,000. No official means of ascertaining the exact cost to land owners for these expenses can be had. The best information possible in the State of Virginia ran these charges to over \$300,000 in two-thirds of the counties per annum.

The system of recording land titles known as the "Torrens" will free us from these expensive investigations, and give us absolute and unquestionable titles with no power or possibility of going back two, five, twenty or a hundred years to investigate titles.

There was introduced by the writer at the last session of the general assembly a bill providing for this system of land registration and it will come up for consideration early in the session of 1908.

The object of this communication is not to go into the details of the bill, but to suggest that more good will come to the farmer by the passage of this bill than the repeal of a dozen agricultural lien laws.

The bill introduced is largely the same before the Virginia general assembly and the laws of Massachusetts on this subject. A Land Court is provided for the purpose of investigating and settling all questions of title to lands. This is not made obligatory upon any land owner, but provides a system of application, investigation, decrees and registration of land when the Court has decided all questions of title. This title is made absolute, irrevocable and final. A title indeed; no mere evidence of title. Certificate of title is given, and made simple and easy of transfer, and changes are made easily where part is sold off of any given tract of land.

The registrar of this court for Illinois writes that the banks find these certificates of land title as valuable collateral as they have when thus adjusted.

The proposed law for this State covers all the possible features of land title transfers, inheritance liens, taxes, etc., that the best legal talent of Massachusetts and Virginia could command.

Senator Stackhouse, of Marion, introduced the same bill in the senate as that on the house calendar. I would be glad if the facile pens of the editor of The News and Courier and Capt. Ben B. Sellers would penetrate the "Torrens system" of land registration and give light and relief to the owners of lands in this State. Adopt this system of land registration, change the constitutional three mills tax into a minimum levy of say \$750,000, to be increased at the pleasure of the people and the demands of education, and the assessed value of real estate in South Carolina can be carried to \$200,000,000, and the personal property assessment to \$200,000,000 more.

If business will permit I will go more fully into the details of the Torrens system at some other time.

JAMES NORTON.

Mullins, S. C., November 18, 1907.

As to the Torrens System.

The "Torrens" or Australian system of land tenures which Representative James Norton, of Marion, would have introduced into South Carolina and writes about in The News and Courier today has been discussed occasionally in South Carolina for 12 or 15 years but has not received general attention.

What Mr. Norton says of our present real estate laws is not to be dis-

puted. Land, which ought to be one of the best foundations of credit is one of the poorest. The owner of 100 acres worth \$1,000, and offering it as a security for a loan of \$200, must pay at least \$12.50 to the lawyers who pass upon the title for the creditors and draw the mortgage and in fees to the register of deeds and mortgages. Foreclosure being a tedious, expensive and some times uncertain process, money lenders refuse to advance more than two-thirds of the land's value and are reluctant to lend at all less than eight per cent. the maximum legal rate, and then only for long periods. That this condition is wholly anomalous and quite injurious to persons whose entire capital is invested in land is not to be disputed. Our land tenures grow out of the English feudal system, they retain much of the artificiality of half a dozen centuries past and they clog and encumber all business in an agricultural region such as ours. The moment laws should be enacted making the conveyance of title to land as easy, and simple as is that of title to a share of mill or bank stock, every acre of land in the State would considerably appreciate in value, just as Mr. Norton predicts.

Another side to the question is whether or not it would be best for that large proportion of farmers who are improvident and spendthrift if they could dispose of their lands with ease and find a ready market for them. The effect of our antiquated tenures is to attach, in some sense, the man to the land, as it was their effect in a very large sense some centuries ago in England. As yet we have no "trusts" in land. Capitalists and manipulators are shy of holdings of broad acres. They cannot sell land in a pinch on the stock exchanges as they sell railroad bonds and stocks but were lands held as stocks they might buy the certificates in quantities and we might see the rapid accumulation of tremendous domains in the hands of a few. Many a thrifless person does not mortgage his land because it is so much easier to mortgage his horse or his cow but were he able to pledge his land merely by writing his name across the back of a certificate, it is likely that he would in many cases do so; with the result that he would lose it as he does the horse or cow. Thus the danger would be that the lands of the improvident and unthrifty might pass into the hands of the industrious and saving who would no longer be dubious about owning them, the certificates of title being at all times readily and instantly convertible into cash.

We do not set up this objection to Mr. Norton's argument as either final or convincing. We are aware that every consideration of progress, simplicity and common sense makes for the abrogation of a curious, involved and expensive code of land title laws that comes to us as the legacy of a forgotten age and that it utterly contradicts modern economic methods. Were every landowner a thorough-going business man, intelligent and determined enough to protect his own interests the retention of the system for a day would be absurd, but legislators would at least do well to inquire whether or not the interests of the whole body of South Carolina landowners would be advanced if it were made possible for them to dispose of their holdings at any moment at the highest prices.

COOPER WILL CASE.

The Supreme Court Renders Decision In a Case of Local Interest.

Robert Muldrow Cooper et al., appellants, vs. Francis Pelot Cooper et al., respondents.—Remainders. Testamentary provisions. Construction. Intention.

This is an action for the partition of real property, involving the construction of the last will of Geo. Wm. Cooper, who left him surviving his widow, Rosa I. Cooper, and nine children, to wit: William Albert Cooper, Robert Muldrow Cooper, and Mary Jane Petrie, his three children by a former marriage, and Rosa Leicester Cooper, Francis Pelot Cooper, Edward Wood Cooper, Harriett Cooper, since intermarried with Dr. Walter Cheyne, Hamilton Witherspoon Cooper and Augustus Thomas Cooper, his six children by his surviving widow. Of these children, his two eldest had attained their majority and completed their education, and the six children of the second marriage had not attained their majority nor completed their education at the date of the will nor at the time of testator's death, except Rosa L. Cooper, who, though not of age had completed her education.

After giving the widow certain property in lieu of dower the will provides as follows: "I give her also, a life interest or so long as she remains my widow an equal portion with my children, as hereinafter named, i. e. a child's portion of all property both real and personal of which I may be possessed at the time of my decease. So, to occupy my dwelling house or houses, with my children and have exclusive use of all my household and kitchen furniture and at her death or marriage

said property to be equally divided between all of our surviving children or those of them who may not have completed their education, should there be any such."

The residue of the estate is given to his surviving children to be equally divided among them except Mary Jane Petrie, who is given an equal share only in the real estate, and except also William Albert and Robert Muldrow of whom the will says:

"My sons Wm. A. and Robt. M. Cooper, having completed their education, I desire them to receive one-third each of a child's portion of my personal estate besides their full share of my real estate."

At the date of the will, the children of the first marriage were all of age and had all practically completed their education. Robert M. Cooper was at college during the last year of his father's life, but it was his last year at college before graduating and his education was so nearly completed, that his father regarded it as practically completed and so states in his will. At that time, none of the children of the second marriage were of age and some of them were of quite tender years.

The tract described in the complaint was set apart to the widow, under the provisions of the will above quoted, and occupied by her until her death, which occurred May 13, 1905.

The widow was survived by Mary Jane Petrie and Robert Muldrow Cooper, children of the first marriage, and by Francis Pelot Cooper, Harriett Cooper Cheyne, Hamilton Witherspoon Cooper and Augustus Thomas Cooper, children of the second marriage.

After the death of testator, and before the death of his widow, William Albert and Edward Wood Cooper died, leaving no issue, and Rosa Leicester Cooper, having intermarried with James Read Muldrow, died leaving one child, the defendant, Sarah Rosa Muldrow. The defendants, Thomas Hasell Dick and George W. Dick, are the children of Mary Scott Cooper, the eldest daughter of testator, who intermarried with Thomas Hasell Dick, Sr., and died before her father.

The circuit court (James Hydrick) holding (1) that the remainder to "our surviving children" was not transmissible and (2) that only those children of the testator's second marriage who survived the widow are entitled to share in the remainder, adjudged accordingly. The plaintiffs appealed.

"The reasoning of the circuit decree is convincing and we are satisfied to adopt it."

Judgment below affirmed. Opinion by Mr. Justice Woods.

Messrs. Shand & Shand, Messrs. Haynsworth & Haynsworth for appellants; Messrs. Lee & Moise, Mr. James Simons, Messrs. McLeod & Dennis for respondents.—Reported for The State by John S. Reynolds.

*DeWitt's Carbolyzed Witch Hazel Salve—don't forget the name, and accept no substitute. Get DeWitt's. It's good for piles. Sold by all druggists.

Gaddy Graham, a negro man, has been held by the coroner's jury as being the murderer of P. F. Moody, of Darlington.

*Trial Catarrh treatments are being mailed out free, on request, by Dr. Shoop, Racine, Wis. These tests are proving to the people—without a penny's cost—the great value of this scientific prescription known to druggists everywhere as Dr. Shoop's Catarrh Remedy. Sold by Sibert's Drug Store.

The Aiken Board of Control has voted to establish a dispensary in North Augusta.

*Bees Laxative Cough Syrup for coughs, colds, croup and whooping cough grows in favor daily. Mothers should keep it on hand for children. It is prompt relief to croup. It is gently laxative, driving the poison and phlegm from the system. It gives immediate relief. Guaranteed. Sold by Sibert Drug Co.

A gin house was destroyed in St. Andrew's Parish, Charleston, and the loss is estimated at \$18,000.

*It will be unnecessary to go through a painful, expensive operation for Piles if you use Manzan. Put up in a collapsible tube with nozzle, ready to apply. For any form of Piles, price 50c. Sibert Drug Co. 12-13m.

NOTICE.

Office County Board of Commissioners, Sumter County, S. C., Dec. 9, 1907.

The annual meeting of the County Board of Commissioners for Sumter County will be held at Sumter Court House on Thursday the 9th day of January, 1908.

All persons holding claims against Sumter County, not previously presented, are required by law to file the same with the Clerk of this Board on or before the first day of January, 1908 in order that they may be examined previous to the annual meeting.

THOS. E. RICHARDSON, Clerk County Board of Commissioners. 12-10-law4t.

COUNTY MEDICAL ASSOCIATION.

At the last session of the Sumter County Medical Association, held on Nov. 27, at the Hotel Sumter, and election of officers was held, resulting as follows: Dr. H. M. Stuckey, president; Dr. Archie China, vice president; Dr. F. K. Holman, secretary. The following members were present: Drs. H. M. Stuckey, A. China, F. K. Holman, Dwight, Walter Cheyne, S. C. Baker and Parler.

An interesting meeting was held as usual and much benefit received by those present.

*Are you having trouble with your kidneys? There are lots of people today who wonder why they have pains across the back, why they are tired and lacking in energy and ambition. Your kidneys are wrong. They need relief without delay. Take DeWitt's Kidney & Bladder Pills; they are for weak back, inflammation of the bladder, backache and weak kidneys. Sold by all druggists.

A PRETTY SOUVENIR.

This office has received a very handsome souvenir book from the University of Pennsylvania which tells of that great university's athletic record for the season of 1906-7, and other past seasons. The book is handsomely illustrated with pictures of teams and coaches and many stirring scenes of action. Altogether, the souvenir is a most attractively arranged book and a good advertisement for the university.

*Millions of bottles of Foley's Honey and Tar have been sold without any person ever having experienced any other than beneficial results from its use for coughs, colds and lung troubles. This is because the genuine Foley's Honey and Tar in the yellow package contains no opiates or other harmful drugs. Guard your health by refusing any but the genuine. Sibert's Drug Store.

TAX NOTICE.

The County Treasurer's office in Court House building will be open for the collection of taxes without penalty, from the 15th day of October to the 31st December, 1907.

The levy is as follows:
For State, 4 1-2 mills.
For County Ordinary, 2 3-4 mills.
For Sinking Fund Loan, 1 mill.
For Constitutional School, 3 mills.
Polls, \$1.00; Capitation Dog Tax 50 cents.

Also special school as follows:
School District No. 1, 2 mills.
School District No. 2, 2 mills.
School District No. 3, 2 mills.
School District No. 4, 2 mills.
School District No. 11, 2 mills.
School District No. 12, 3 mills.
School District No. 13, 3 mills.
School District No. 14, 3 mills.
School District No. 16, 2 mills.
School District No. 17, 3 mills.
School District No. 18, 2 mills.

A penalty of 1 per cent added for month of January, 1908. Additional penalty of 1 per cent. for month of February, 1908. Additional penalty of 5 per cent. for 15 days in March, 1908.

T. W. LEE,

Treasurer for Sumter Co.

10-2-07-3-15-08

Tax Returns For 1908.

OFFICE OF COUNTY AUDITOR, SUMTER CO., Sumter, S. C., Dec. 5, 1907.

Notice is hereby given that I will attend, in person or by deputy, at the following places on the days indicated, respectively, for the purpose of receiving returns of personal property and poll taxes for the fiscal year commencing January 1st, 1908.

Tindall's Store, Thursday, Jan. 24.
Privateer, Jenkins' Store, Friday, Jan. 3d.

Manchester, Levi's, Tuesday, Jan. 7th.

Wedgfield, Thursday, Jan. 24th.
Stachburg, Friday, Jan. 10th.
Hagood, Tuesday, Jan. 14th.
Remberts, Wednesday, Jan. 15th.
Dalzell, Thursday, Jan. 16th.
Gordon's Mill, Friday, Jan. 17th.
Mayesville, Tuesday, Jan. 21st.
Shiloh, Wednesday, Jan. 22d.
Norwood's X Roads, Thursday, Jan. 23d.

Cswego, Friday, Jan. 24th.

The law requires that all persons owning property or in anywise having charge of such property, either as agent, husband, guardian, trustee, executor, administrator, etc., return the same under oath to the Auditor, who requests all persons to be prompt in making their returns and save the 50 per cent. penalty which will be added to the property valuation of all persons who fail to make returns within the time prescribed by law.

Taxpayers return what they own on the first day of January, 1908.

Assessors and taxpayers will enter the first given name of the taxpayer in full, also make a separate return for each township where the property is located and also each, and every case the number of the school district must be given.

Every male citizen between the age of twenty-one and sixty years, on the first day of January, 1908, except those incapable of earning a support from being maimed or from other causes, are deemed taxable polls, and except Confederate soldiers 50 years of age, on January 1st, 1908.

All returns must be made on or before the 9th day of February next. I cannot take returns after that date, and all returns made after the 29th day of February, are subject to a penalty of 50 per cent.

J. DIGGS WILDER, Auditor Sumter County. Dec. 11-Feb. 29, '08.

CASTORIA

The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of and has been made under his personal supervision since its infancy. Allow no one to deceive you in this. All Counterfeits, Imitations and "Just-as-good" are but Experiments that trifle with and endanger the health of Infants and Children—Experience against Experiment.

What is CASTORIA

Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It is Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. Its age is its guarantee. It destroys Worms and allays Feverishness. It cures Diarrhoea and Wind Colic. It relieves Teething Troubles, cures Constipation and Flatulency. It assimilates the Food, regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

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For Everything in the MACHINERY LINE.

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THE Bank of Sumter.

Capital, \$75,000 -- Surplus, \$47,000

Does General Banking Business. Four Per Cent. Interest, payable Quarterly, on Deposits in Savings Department -- -- --

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Does a General Banking Business, allowing interest 4 per cent. per annum compounded quarterly in its Savings Department. Centrally located and conservatively managed. We invite your patronage. C. G. ROWLAND, President. R. F. HAYNSWORTH, Vice President R. L. EDMUNDS, Cashier.

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When once your buildings are painted with

GIBRALTAR PAINTS,

(IN ALL COLORS)

Great protection is afforded from fire as tested here Oct. 26th by a house set on fire that had been painted inside and out with these wonderful fire-resisting materials. Hundreds were witness to this test of fire. Beside affording greater protection owing to its fire-resisting qualities, Gibraltar Paint is more durable than any other paint as it resists the sun heat and wears longer. Best thing made for painting single, tin and iron.

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